



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Charles Webster Hills

13 IBIA 1 (07/10/1984)

Related Board case:  
13 IBIA 188



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ESTATE OF CHARLES WEBSTER HILLS : Order Acknowledging Receipt of  
: Petition to Reopen Based on Newly  
: Discovered Evidence and Dismissing  
: Appeal Without Prejudice  
:  
: Docket No. IBIA 84-33  
:  
: July 10, 1984

On May 17, 1984, the Board of Indian Appeals received a notice of appeal from Millie Romero, through counsel, Waldo Warren Israel, Esq., in the above estate. The appeal was taken from a decision denying appellant's petition for rehearing entered by Administrative Law Judge S. N. Willett on March 23, 1984.

A notice of docketing was issued on June 1, 1984, establishing the briefing schedule for all parties. On June 18, 1984, the Board received from the Superintendent of the Fort Yuma Agency additional documents that were not included in the original probate record of the decedent, but which were discovered by the agency's probate clerk in the decedent's son's probate record and in Charles Webster Hills' personal file. The Board distributed copies of these documents to all interested parties by an order dated June 20, 1984.

On July 2, 1984, the Board received from the appellant an opening brief in support of the appellant's appeal. Appellant also filed, simultaneously, a petition to reopen the estate for a limited hearing based on newly discovered evidence. Under 43 CFR 4.242 a petition to reopen properly should be filed with the Administrative Law Judge who decided the issues of fact and law involved in the original probate. This petition to reopen, therefore, is referred to Administrative Law Judge S. N. Willett for decision.

Consequently, because of our disposition of appellant's petition to reopen, the appeal of Millie Romero from the March 23, 1984, denial of petition for rehearing is dismissed without prejudice.

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//original signed

Jerry Muskrat  
Administrative Judge

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//original signed

Bernard V. Parrette  
Chief Administrative Judge

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//original signed

Anne Poindexter Lewis  
Administrative Judge